
By: **Delegates Elmore, Bozman, Cane, Conway, DeBoy, Eckardt, Rudolph,
Walkup, and Wood**

Introduced and read first time: March 3, 2003

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Oysters - Power Dredging**

3 FOR the purpose of requiring the Department of Natural Resources to establish zones
4 by regulation in which a person may catch oysters with a power dredge during a
5 certain time period; authorizing the Department by regulation to open or close
6 any zone for the catching of oysters by power dredging or the conservation of
7 oysters; prohibiting a certain zone from being established in certain areas;
8 authorizing the Department to set certain minimum and maximum size limits
9 and set a season, day, and time when oysters may be harvested by power
10 dredging; requiring the Department to follow certain criteria when determining
11 whether to open or close an oyster power dredge zone; requiring the Department
12 to publish certain notice before taking certain actions; requiring that certain
13 established zones include certain areas; authorizing the Department to require
14 a person who catches oysters with a power dredge to complete and file certain
15 reports; providing for the termination of this Act; and generally relating to
16 oysters and power dredging.

17 BY adding to
18 Article - Natural Resources
19 Section 4-1014.4
20 Annotated Code of Maryland
21 (2000 Replacement Volume and 2002 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - Natural Resources**

25 4-1014.4.

26 (A) THE DEPARTMENT MAY NOT ESTABLISH ZONES FOR THE POWER
27 DREDGING OF OYSTERS UNDER THIS SECTION IN:

1 (1) AN OYSTER SANCTUARY THAT WAS ESTABLISHED BY REGULATIONS
2 ADOPTED BY THE DEPARTMENT; OR

3 (2) A SUBMERGED AQUATIC VEGETATION PROTECTION ZONE
4 DELINEATED IN ACCORDANCE WITH § 4-1006.1 OF THIS SUBTITLE.

5 (B) THE DEPARTMENT SHALL ESTABLISH ZONES BY REGULATION IN WHICH A
6 PERSON MAY CATCH OYSTERS WITH A POWER DREDGE DURING THE POWER
7 DREDGING SEASON FROM NOVEMBER 1 TO MARCH 30.

8 (C) NOTWITHSTANDING ANY OTHER LAW AND SUBJECT TO SUBSECTION (A)
9 OF THIS SECTION, THE DEPARTMENT MAY, BY REGULATION:

10 (1) OPEN OR CLOSE ANY ZONE FOR THE CATCHING OF OYSTERS BY
11 POWER DREDGING;

12 (2) OPEN OR CLOSE ANY ZONE FOR THE CONSERVATION OF OYSTERS;

13 (3) SET THE OYSTER DREDGE BAR MINIMUM AND MAXIMUM SIZE
14 LIMITS; OR

15 (4) SET THE SEASON, DAYS, AND TIMES WHEN OYSTERS MAY BE
16 HARVESTED BY POWER DREDGING.

17 (D) THE DEPARTMENT SHALL USE THE FOLLOWING CRITERIA IN
18 DETERMINING WHETHER TO OPEN OR CLOSE AN OYSTER POWER DREDGE ZONE:

19 (1) GROWTH RATES OF OYSTERS;

20 (2) DISEASE PREVALENCE AND INTENSITY;

21 (3) TARGET OR THRESHOLD FISHING OR NATURAL MORTALITY RATES;

22 (4) BIOMASS THRESHOLDS OR TARGETS;

23 (5) AQUATIC HABITAT OBJECTIVES CONTAINED IN A FISHERY
24 MANAGEMENT PLAN DEVELOPED UNDER § 4-215 OF THIS TITLE;

25 (6) RECOMMENDATIONS BY THE TIDAL FISH ADVISORY COMMISSION
26 AND COUNTY OYSTER COMMITTEES; AND

27 (7) PUBLIC COMMENT.

28 (E) WHEN OPENING OR CLOSING A ZONE UNDER SUBSECTION (C) OF THIS
29 SECTION, THE DEPARTMENT SHALL, AT LEAST 48 HOURS IN ADVANCE OF THE TIME
30 OF THE ACTION, PUBLISH THE ACTION AND RELEVANT DATES AND TIMES IN:

31 (1) A DAILY NEWSPAPER OF GENERAL CIRCULATION; AND

32 (2) A NEWSPAPER CIRCULATED IN THE COUNTY WHERE THE WATERS
33 ARE DIRECTLY AFFECTED BY THE PROPOSED ACTION.

1 (F) ZONES ESTABLISHED UNDER THIS SECTION SHALL INCLUDE THE
2 FOLLOWING AREAS:

3 (1) IN THE HONGA RIVER AREA CONSISTING OF THE WATERS OF THE
4 STATE THAT LIE WITHIN THE HONGA RIVER OF DORCHESTER COUNTY NORTH OF A
5 LINE RUNNING FROM CREEK POINT TO JENNY ISLAND;

6 (2) IN THE FISHING BAY AREA CONSISTING OF THE WATERS OF THE
7 STATE THAT LIE WITHIN DORCHESTER COUNTY AND WICOMICO COUNTY NORTH OF
8 THE DORCHESTER-SOMERSET COUNTY LINE AND THE WICOMICO-SOMERSET
9 COUNTY LINE, SOUTHEAST OF A LINE FROM TIGS POINT RUNNING ALONG THE
10 EXISTING DREDGE LINE TO A POINT AT OR NEAR BISHOPS HEAD POINT, SOUTH OF A
11 LINE RUNNING NORTHWESTERLY FROM FISHING POINT TO THOROFARE POINT,
12 EXCLUDING TEDIOUS CREEK, GOOSE CREEK, AND THE NANTICOKE RIVER NORTH OF
13 SANDY POINT ON CLAY ISLAND;

14 (3) IN THE ST. MARY'S RIVER CONSISTING OF THE WATERS OF THE
15 STATE THAT LIE WITHIN THE ST. MARY'S RIVER IN ST. MARY'S COUNTY NORTH OF
16 THE POTOMAC RIVER FISHERIES COMMISSION JURISDICTIONAL LINE, EXCLUDING
17 ST. GEORGE CREEK WEST OF BALL POINT, CARTHAGENA CREEK, AND ST. INIGOES
18 CREEK;

19 (4) IN THE POCOMOKE SOUND AREA CONSISTING OF THE WATERS OF
20 THE STATE THAT LIE WITHIN SOMERSET COUNTY NORTH OF THE
21 MARYLAND-VIRGINIA LINE AND EAST OF A LINE RUNNING FROM WARE POINT
22 SOUTHEASTERLY TO MARYLAND-VIRGINIA LINE CORNER "A" IN POCOMOKE SOUND;
23 AND

24 (5) IN THE TALBOT COUNTY AREA CONSISTING OF THE WATERS OF THE
25 STATE THAT LIE WITHIN THE CHOPTANK RIVER AND ITS TRIBUTARIES NORTH OF A
26 LINE RUNNING WESTERLY FROM CHLORA POINT ALONG THE EXISTING COUNTY
27 DREDGE LINE TO A POINT AT OR NEAR THE SHORE OF UPPER BAR NECK POINT,
28 EXCLUDING THE KNAPPS NARROWS, TRED AVON RIVER, IRISH CREEK, AND NORTH OF
29 BALD EAGLE POINT AND NORTH OF DEEP NECK POINT.

30 (G) THE DEPARTMENT MAY REQUIRE A PERSON WHO CATCHES OYSTERS
31 WITH A POWER DREDGE TO COMPLETE AND FILE REPORTS ON FORMS PROVIDED BY
32 THE DEPARTMENT.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 July 1, 2003. It shall remain effective for a period of 5 years and, at the end of June
35 30, 2008, with no further action required by the General Assembly, this Act shall be
36 abrogated and of no further force and effect.